

Order

Michigan Supreme Court
Lansing, Michigan

February 5, 2014

Robert P. Young, Jr.,
Chief Justice

147794 & (99)

Michael F. Cavanagh

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Bridget M. McCormack

David F. Viviano,
Justices

DANIEL ADAIR, *et al.*,
Plaintiffs-Appellees/
Cross-Appellants,

v

SC: 147794
COA: 302142

MICHIGAN DEPARTMENT OF EDUCATION,
BUDGET DIRECTOR FOR THE STATE OF
MICHIGAN, TREASURER FOR THE STATE
OF MICHIGAN, and SUPERINTENDENT OF
PUBLIC INSTRUCTION FOR THE STATE OF
MICHIGAN,
Defendants-Appellants/
Cross-Appellees.

On order of the Court, the application for leave to appeal the August 22, 2013 judgment of the Court of Appeals and the application for leave to appeal as cross-appellants are considered. The application for leave to appeal is GRANTED. The parties shall include among the issues to be briefed: (1) which party has the burden of proving underfunding of a legislative mandate in a challenge under Const 1963, art 9, § 29, (2) what elements of proof are necessary to sustain such a claim, and (3) whether acceptance of a general appropriation from the Legislature which is specifically conditioned on compliance with reporting requirements pursuant to MCL 388.1622b(1)(c) waives any challenge to the funding level for those requirements under Const 1963, art 9, § 29. The application for leave to appeal as cross-appellants is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.


Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 5, 2014


Clerk